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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of: Limor Schweitzer et al.

Application No.: 09/553,261

Group No.: 2154

Filed: 04/20/2000

Examiner: Hu, Jinsong

For: METHOD AND APPARATUS FOR SESSION RECONSTRUCTION

Mail Stop Appeal Briefs – Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 1.192)

1. Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on May 20, 2004.
2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

RECEIVED

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Technology Center 2100

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 1.17(c), the fee for filing the Appeal Brief is:

other than a small entity \$330.00

Appeal Brief fee due \$330.00

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	\$330.00
Extension fee (if any)	\$0.00

TOTAL FEE DUE \$330.00

6. FEE PAYMENT

Attached is a check in the amount of \$330.00.

A duplicate of this transmittal is attached.

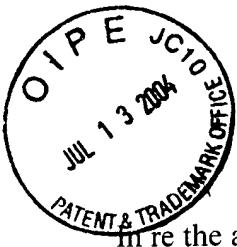
7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. XACTP016).

Signature of Practitioner

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
Limor Schweitzer et al.)
Application No. 09/553,261)
Filed: April 20, 2000)
For: METHOD AND APPARATUS FOR)
SESSION RECONSTRUCTION)

Examiner: Hu, Jinsong
Art Unit: 2154

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JUL 15 2004

Technology Center 2100

Commissioner for Patents
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

APPELLANT'S BRIEF (37 C.F.R. § 1.192)

This brief is in furtherance of the Notice of Appeal, filed in this case on May 20, 2004.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate. (37 C.F.R. § 1.192(a))

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 1.192(c)):

- I REAL PARTY IN INTEREST
- II RELATED APPEALS AND INTERFERENCES
- III STATUS OF CLAIMS
- IV STATUS OF AMENDMENTS
- V SUMMARY OF INVENTION
- VI ISSUES
- VII GROUPING OF CLAIMS
- VIII ARGUMENTS

APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

The final page of this brief bears the practitioner's signature.

I REAL PARTY IN INTEREST (37 C.F.R. § 1.192(c)(1))

The real party in interest in this appeal is XACCT Technologies, LTD.

II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 1.192(c)(2))

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no other such appeals or interferences.

III STATUS OF CLAIMS (37 C.F.R. § 1.192(c)(3))

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1, 3-10, and 12-17.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims withdrawn from consideration but not canceled: None
2. Claims pending: 1, 3-10, and 12-17
3. Claims allowed: None
4. Claims rejected: 1, 3-10, and 12-17

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 3-10, and 12-17

IV STATUS OF AMENDMENTS (37 C.F.R. § 1.192(c)(4))

As to the status of any amendment filed subsequent to final rejection, there are no such amendments after final.

V SUMMARY OF INVENTION (37 C.F.R. § 1.192(c)(5))

A method and apparatus for reconstructing a session using a first analyzer coupled to a second analyzer are provided. As set forth in Figure 7 and the associated description, session reconstruction is performed on packets received at the first analyzer. Moreover, responsive to unsuccessful session reconstruction on the first analyzer, one or more messages are sent to the second analyzer. See lines 19-21 of page 20 of the originally filed specification. The one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session. See Figure 7 and the associated description.

VI ISSUES (37 C.F.R. § 1.192(c)(6))

Issue #1: The Examiner has rejected Claims 1, 10 and 14 under 35 U.S.C. 103(a) as being unpatentable over Gleichauf et al. (6,499,107), in view of Chiu (5,101,402).

Issue #2: The Examiner has rejected Claims 1, 3-10, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over McCreery et al. (5,787,253), in view of Chiu (5,101,402).

Issue #3: The Examiner has rejected Claims 1, 3-10, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over Abromavage et al. (WO 00/68811), in view of Chiu (5,101,402).

Issue #4: The Examiner has rejected Claims 5 and 17 under 35 U.S.C. 103(a) as being unpatentable over Abromavage et al. (WO 00/68811), in view of McCreery et al. (5,787,253).

VII GROUPING OF CLAIMS (37 C.F.R. § 1.192(c)(7))

The claims of the following groups do not stand or fall together. Following is the grouping of claims. In the following section, appellant explains why the claims of each group are believed to be separately patentable.

Issue # 1: Grouping of Claims 1, 10, and 14

Group #1: Claims 1, 10 and 14

Issue # 2: Grouping of Claims 1, 3-10, and 12-17

Group #1: Claims 1, 5-6 and 8-10, 12-14, 15 and 17

Group #2: Claim 3

Group #3: Claims 4 and 16

Group #4: Claim 7

Issue # 3: Grouping of Claims 1, 3-10, and 12-17

Group #1: Claims 1, 5-6 and 8-10, 12-14, 15 and 17

Group #2: Claim 3

Group #3: Claims 4 and 16

Group #4: Claim 7

Issue # 4: Grouping of Claims 5 and 17

Group #1: Claims 5 and 17

VIII ARGUMENTS (37 C.F.R. § 1.192(c)(8))

Issue #1:

The Examiner has rejected Claims 1, 10 and 14 under 35 U.S.C. 103(a) as being unpatentable over Gleichauf et al. (6,499,107), in view of Chiu (5,101,402).

Group #1: Claims 1, 10 and 14

With respect to Group #1, the Examiner has admitted that the primary reference does not specifically teach the operation of sending one or more messages to the second analyzer responsive to unsuccessful session reconstruction on the first analyzer and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session. The Examiner further argues that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify such primary reference in view of Chiu to provide the claimed features lacking in the primary reference.

Appellant respectfully disagrees with this assertion, as it appears that the Examiner has not considered the full weight of appellant's claims. Specifically, appellant claims, in each of the present claims:

"wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session" (or similar language).

To this end, the Examiner's proposed combination still fails to meet appellant's claimed invention. Specifically, the Examiner relies on Fig. 9 and the following excerpt from Chiu to make a prior art showing of the foregoing claim limitations.

"Other types of packets can exist on a DECnet network. The various types of DNA packets include 'terminate session' packets; 'link service' packets; and 'ACK' packets acknowledging receipt of a packet.

In addition, yet other types of packets exist on a DECnet. These other types of packets are well-known in the networking art and will not be described herein.

FIG. 8c shows a session key which has been extracted from either the packet header of FIG. 8a or the packet header of FIG. 8b. A unique session key is extracted for each session and serves to identify the packets of the session. Each session key preferably is 32 bits long and comprises 16 bits from the Initiator DECnet Node Address field and 16 bits from the Initiator Logical Link Address field of the initiator address 138/158 in the packet header.

FIG. 9 is a flow chart of the steps of the method of the present invention performed by the session information collecting part 92 to

process a packet header from a Transport Layer level packet. If the packet header is from a Session Control packet, such as the `connect initiate` packet of FIG. 8a, (Step 160), control passes to Step C of FIG. 10. If the packet header is from a data packet, such as the packet header of FIG. 8b, (Step 162), control passes to Step D of FIG. 11. If the packet header is from a Link service packet (Step 164), control passes to Step E of FIG. 12. If the packet header is from an ACK packet (Step 166), control passes to Step F of FIG. 13. If the packet header is from some other type of packet, then the unknown packet type is processed (Step 168).” (col. 8, line 61 - col. 9, 25)

Such excerpt, however, merely suggests a technique for managing packets based on a header thereof. This clearly falls short of the specific functional interaction between a first and second analyzer, as claimed by appellant.

Specifically, there is no “sending one or more messages to the second analyzer” in response to the specific condition of an “unsuccessful session reconstruction,” as claimed, “wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session” (or similar language).

Appellant argues that the clear deficiencies in the Examiner’s proposed combination would not have been obvious, since such aspects of the claimed invention provide such paramount benefits. By appellant’s unique claimed features, the present invention is capable of better dealing with unrecognized packets by sending them to another analyzer for recognizing the unrecognized packets to successfully reconstruct the session. Appellant contends that simply nowhere in the prior art is there such a multi-analyzer technique, as specifically claimed, for improved session reconstruction.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest appellant's claim language, as set forth hereinabove.

Issue #2:

The Examiner has rejected Claims 1, 3-10, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over McCreery et al. (5,787,253), in view of Chiu (5,101,402).

Group #1: Claims 1, 6, 8-10, 12-14, and 15

With respect to Group #1, the Examiner has admitted that the primary reference does not specifically teach the operation of sending one or more messages to the second analyzer responsive to unsuccessful session reconstruction on the first analyzer and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session. The Examiner further argues that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify such primary reference in view of Chiu to provide the claimed features lacking in the primary reference.

Appellant respectfully disagrees with this assertion, as it appears that the Examiner has not considered the full weight of appellant's claims. Specifically, appellant claims, in each of the present claims:

“wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session” (or similar language).

To this end, the Examiner's proposed combination still fails to meet appellant's claimed invention. Specifically, the Examiner relies on Fig. 9 and the following excerpt from Chiu to make a prior art showing of the foregoing claim limitations.

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In addition, yet other types of packets exist on a DECnet. These other types of packets are well-known in the networking art and will not be described herein.

FIG. 8c shows a session key which has been extracted from either the packet header of FIG. 8a or the packet header of FIG. 8b. A unique session key is extracted for each session and serves to identify the packets of the session. Each session key preferably is 32 bits long and comprises 16 bits from the Initiator DECnet Node Address field and 16 bits from the Initiator Logical Link Address field of the initiator address 138/158 in the packet header.

FIG. 9 is a flow chart of the steps of the method of the present invention performed by the session information collecting part 92 to process a packet header from a Transport Layer level packet. If the packet header is from a Session Control packet, such as the 'connect initiate' packet of FIG. 8a, (Step 160), control passes to Step C of FIG. 10. If the packet header is from a data packet, such as the packet header of FIG. 8b, (Step 162), control passes to Step D of FIG. 11. If the packet header is from a Link service packet (Step 164), control passes to Step E of FIG. 12. If the packet header is from an ACK packet (Step 166), control passes to Step F of FIG. 13. If the packet header is from some other type of packet, then the unknown packet type is processed (Step 168)." (col. 8, line 61 - col. 9, 25)

Such excerpt, however, merely suggests a technique for managing packets based on a header thereof. This clearly falls short of the specific functional interaction between a first and second analyzer, as claimed by appellant.

Specifically, there is no "sending one or more messages to the second analyzer" in response to the specific condition of an "unsuccessful session reconstruction," as claimed, "wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session" (or similar language).

Appellant argues that the clear deficiencies in the Examiner's proposed combination would not have been obvious, since such aspects of the claimed invention provide such paramount benefits. By appellant's unique claimed features, the present invention is capable of better dealing with unrecognized packets by sending them to another analyzer for recognizing the unrecognized packets to successfully reconstruct the session. Appellant contends that simply nowhere in the prior art is there such a multi-analyzer technique, as specifically claimed, for improved session reconstruction.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest appellant's claim language, as set forth hereinabove.

Group #2: Claim 3

With respect to Group #2, the Examiner relies on the following excerpt from McCreedy to make a prior art showing of appellant's claimed "wherein the one or more messages from the first analyzer to the second analyzer further comprise hints generated by the first analyzer" (see Claim 3).

"This information includes administrative data such as timing and sequencing data regarding the exchange of packets between nodes." (see col. 2, lines 22-24)

Such excerpt and the remaining McCreedy reference, however, fails to disclose, teach or even suggest any communication of “hints” between the alleged first analyzer [336, Fig. 4c] and the alleged second analyzer [346, Fig. 4c].

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner’s cited excerpts do not disclose, teach or suggest appellant’s claim language, as set forth hereinabove.

Group #3: Claims 4 and 16

With respect to Group #3, the Examiner relies on the following excerpt from McCreedy to make a prior art showing of appellant’s claimed “wherein hints for a packet comprise a time the packet was received and an address information for the packet” (see Claim 4).

“This information includes administrative data such as timing and sequencing data regarding the exchange of packets between nodes.” (see col. 2, lines 22-24)

Such excerpt and the remaining McCreedy reference, however, fails to disclose, teach or even suggest any hint including “a time the packet was received and an address information for the packet” (emphasis added).

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner’s cited excerpts do not disclose, teach or suggest appellant’s claim language, as set forth hereinabove.

Group #4: Claim 7

With respect to Group #4, the Examiner relies on the following excerpt from McCreedy to make a prior art showing of appellant’s claimed “wherein the one or more messages from the first analyzer to the second analyzer comprise summary of packets received by the first analyzer and one or more hints generated by the first analyzer” (see Claim 7).

"An application level protocol translator translates the raw transaction data and stores the data in a translated transaction data buffer. The translated data provides high level information regarding the transactions between nodes which is used to monitor or compile statistics regarding network or internetwork activity." (see col. 2, lines 34-39)

Such excerpt and the remaining McCreedy reference, however, fails to disclose, teach or even suggest any communication between the alleged first analyzer [336, Fig. 4c] and the alleged second analyzer [346, Fig. 4c], where such communication includes a "summary of packets received by the first analyzer and one or more hints generated by the first analyzer."

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest appellant's claim language, as set forth hereinabove.

Issue #3:

The Examiner has rejected Claims 1, 3-10, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over Abromavage et al. (WO 00/68811), in view of Chiu (5,101,402).

Group #1: Claims 1, 6, 8-10, 12-14, and 15

With respect to Group #1, the Examiner has admitted that the primary reference does not specifically teach the operation of sending one or more messages to the second analyzer responsive to unsuccessful session reconstruction on the first analyzer and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session. The Examiner further argues that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify such primary reference in view of Chiu to provide the claimed features lacking in the primary reference.

Appellant respectfully disagrees with this assertion, as it appears that the Examiner has not considered the full weight of appellant's claims. Specifically, appellant claims, in each of the present claims:

"wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session" (or similar language).

To this end, the Examiner's proposed combination still fails to meet appellant's claimed invention. Specifically, the Examiner relies on Fig. 9 and the following excerpt from Chiu to make a prior art showing of the foregoing claim limitations.

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Such excerpt, however, merely suggests a technique for managing packets based on a header thereof. This clearly falls short of the specific functional interaction between a first and second analyzer, as claimed by appellant.

Specifically, there is no “sending one or more messages to the second analyzer” in response to the specific condition of an “unsuccessful session reconstruction,” as claimed, “wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session” (or similar language).

Appellant argues that the clear deficiencies in the Examiner’s proposed combination would not have been obvious, since such aspects of the claimed invention provide such paramount benefits. By appellant’s unique claimed features, the present invention is capable of better dealing with unrecognized packets by sending them to another analyzer for recognizing the unrecognized packets to successfully reconstruct the session. Appellant contends that simply nowhere in the prior art is there such a multi-analyzer technique, as specifically claimed, for improved session reconstruction.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner’s cited excerpts do not disclose, teach or suggest appellant’s claim language, as set forth hereinabove.

Group #2: Claim 3

With respect to Group #2, the Examiner relies on page 5, lines 14-19; and page 6, lines 14-15 and 23-27 from Abromavage to make a prior art showing of appellant's claimed "wherein the one or more messages from the first analyzer to the second analyzer further comprise hints generated by the first analyzer" (see Claim 3).

Such excerpts and the remaining Abromavage reference, however, fail to disclose, teach or even suggest any communication of "hints" between the alleged first analyzer and second analyzer [112, 120 of Fig. 1].

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest appellant's claim language, as set forth hereinabove.

Group #3: Claims 4 and 16

With respect to Group #3, the Examiner relies on page 5, lines 14-19; and page 6, lines 14-15 and 23-27 from Abromavage to make a prior art showing of appellant's claimed "wherein hints for a packet comprise a time the packet was received and an address information for the packet" (see Claim 4).

Such excerpts and the remaining Abromavage reference, however, fail to disclose, teach or even suggest any hint including "a time the packet was received and an address information for the packet" between the alleged first analyzer and second analyzer [112, 120 of Fig. 1].

Specifically, page 6, lines 23-27 from Abromavage, for example, indicates information generated by a component (126) of the alleged second analyzer [120 of Fig. 1], not information communicated between the alleged first analyzer and second analyzer [112, 120 of Fig. 1].

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest appellant's claim language, as set forth hereinabove.

Group #4: Claim 7

With respect to Group #4, the Examiner relies on page 6, lines 16-27; and col. 10, lines 3-7 from Abromavage to make a prior art showing of appellant's claimed "wherein the one or more messages from the first analyzer to the second analyzer comprise summary of packets received by the first analyzer and one or more hints generated by the first analyzer" (see Claim 7).

Such excerpts and the remaining Abromavage reference, however, fail to disclose, teach or even suggest any communication between the alleged first analyzer and second analyzer [112, 120 of Fig. 1], where such communication includes a "summary of packets received by the first analyzer and one or more hints generated by the first analyzer."

Specifically, the cited excerpts only describe information generated by the alleged second analyzer [120 of Fig. 1], and thus can not possibly be communicated between the alleged first analyzer and second analyzer [112, 120 of Fig. 1].

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's cited excerpts do not disclose, teach or suggest appellant's claim language, as set forth hereinabove.

Issue #4

The Examiner has rejected Claims 5 and 17 under 35 U.S.C. 103(a) as being unpatentable over Abromavage et al. (WO 00/68811), in view of McCreery et al. (5,787,253). Appellant respectfully disagrees with such combination, as such references are deemed from *non-analogous* arts.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

IX APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(9))

The text of the claims involved in the appeal is:

1. (Previously Amended) A method of reconstructing a session using a first analyzer coupled to a second analyzer and a data collector, the method comprising:
 1. performing session reconstruction on packets received at a first analyzer; responsive to successful session reconstruction on the first analyzer, sending a first message to at least one of a second analyzer separate from the first analyzer and a data collector, the first message corresponding to session data; and
 2. responsive to unsuccessful session reconstruction on the first analyzer, sending one or more messages to the second analyzer;
 3. wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session.
2. (Cancelled)
3. (Previously Amended) The method of claim 1, wherein the one or more messages from the first analyzer to the second analyzer further comprise hints generated by the first analyzer.
4. (Original) The method of claim 3, wherein hints for a packet comprise a time the packet was received and an address information for the packet.
5. (Original) The method of claim 1, wherein the packets received at the first analyzer are output from a filter for controlling which packets in a plurality of packets flowing into the filter reach the first analyzer.
6. (Previously Amended) The method of claim 1, further comprising:
 1. performing session reconstruction on the one or more messages received at the second

analyzer;

responsive to successful session reconstruction on the second analyzer, sending a first message to at least one of a third analyzer and the data collector, the first message corresponding to session data; and

responsive to unsuccessful session reconstruction on the second analyzer, sending one or more messages to the third analyzer, the third analyzer also receiving one or more messages from a fourth analyzer.

7. (Original) The method of claim 1, wherein the one or more messages from the first analyzer to the second analyzer comprise summary of packets received by the first analyzer and one or more hints generated by the first analyzer.

8. (Previously Amended) The method of claim 1, further comprising performing session reconstruction using the second analyzer on the one or more messages received from the first analyzer and the one or more messages received from a third analyzer.

9. (Original) The method of claim 8, further comprising sending a second message from the second analyzer to the data collector, the second message corresponding to session data.

10. (Previously Amended) A system for reconstructing a session, the system comprising:
a plurality of packet sources, each of the plurality of packet sources generating a plurality of packets;

a plurality of separate analyzers, each of the plurality of analyzers coupled to a packet source in the plurality of packet sources, each of the plurality of analyzers for session reconstruction on respective packets in the corresponding packet source, at least one analyzers sending a first message corresponding to session data for reconstructed sessions to a first analyzer and a second message for unreconstructed session data in the respective packets to the first analyzer,

and wherein the first analyzer responsive to receiving messages from at least one other analyzers attempts session reconstruction using the messages;

wherein the second message comprises packets received by one analyzer which are

unrecognized, and the first analyzer recognizes the unrecognized packets to successfully reconstruct the session.

11. (Cancelled)

12. (Previously Amended) The system of claim 10 wherein the second message further comprises hints.

13. (Original) The system of claim 10 wherein the second message comprises summary of respective packets and hints.

14. (Previously Presented) A method of reconstructing a session using a first analyzer coupled to a second analyzer, the method comprising:

performing session reconstruction on packets received at a first analyzer; and
responsive to unsuccessful session reconstruction on the first analyzer, sending one or more messages to a second analyzer separate from the first analyzer;
wherein the one or more messages from the first analyzer to the second analyzer comprise packets received by the first analyzer which are unrecognized, and the second analyzer recognizes the unrecognized packets to successfully reconstruct the session.

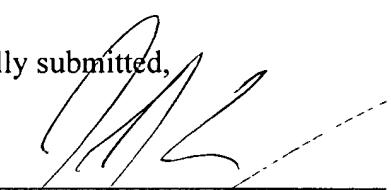
15. (Previously Presented) The method of claim 14, wherein the one or more messages from the first analyzer to the second analyzer further comprise hints generated by the first analyzer.

16. (Previously Presented) The method of claim 15, wherein the hints comprise a time when at least one of the packets was received and address information for the packet.

17. (Previously Presented) The method of claim 14, wherein the packets received at the first analyzer are output from a filter for controlling which packets in a plurality of packets flowing into the filter reach the first analyzer.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. XACTP016).

Respectfully submitted,

By: 

Date: 7/09/04

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